ENVIRONMENTAL COVENANT

This Environmental Covenant is entered into by Weinland Park Development, LLC and Weinland Park Homes LLC (collectively the “Owners”) and the Ohio Environmental Protection Agency (“Ohio EPA”) pursuant to Ohio Revised Code (“ORC”) §§ 5301.80 to 5301.92 for the purpose of subjecting the Property described in Section 2 herein (“the Property”) to the activity and use limitations set forth herein.

WHEREAS, Weinland Park Development, LLC, Weinland Park Homes LLC, Weinland Park Reinvestment Corp., Momentive Specialty Chemicals, Inc. and the City of Columbus (the “Volunteers”) have undertaken a voluntary action with respect to the Property under Ohio’s Voluntary Action Program (“VAP”), pursuant to Ohio Revised Code (“ORC”) Chapter 3746 and Ohio Administrative Code (“OAC”) Chapter 3745-300;

WHEREAS, the Property is owned by Weinland Park Development, LLC and Weinland Park Homes LLC; Weinland Park Reinvestment Corp., Momentive Specialty Chemicals, Inc. and the City of Columbus are not owners of the Property;

WHEREAS, Certified Professional Matthew D. Knecht, CP #105, issued a no further action letter for the Property on April 12, 2011 (“NFA Letter”) and submitted the NFA Letter to Ohio EPA (“NFA Letter No. 11NFA414”), with a request for a covenant not to sue;

WHEREAS, the voluntary action remedy for the Property includes the activity and use limitations set forth in this Environmental Covenant;

WHEREAS, the activity and use limitations protect against exposure to the hazardous substances and petroleum in soil and ground water, on or underlying the Property and support the issuance of the NFA Letter and a covenant not to sue for the Property; and
WHEREAS, the NFA Letter's executive summary contains an overview of the voluntary action and may be reviewed as an exhibit to the covenant not to sue issued for the Property and recorded in the deed records for the Property in the Franklin County Recorder's Office. The covenant not to sue, executive summary, and NFA Letter (NFA Letter No. 11NFA414) may also be reviewed by contacting Records Management Officer for the Division of Environmental Response and Revitalization, 50 West Town Street, Columbus, OH 43216, 614-644-2924, the Ohio EPA Central District Office at 50 West Town Street, Columbus, OH 43215, (614) 728-3778, or Weinland Park Development, LLC, 575 West First Avenue, Suite 100, Columbus, Ohio 43215, (614) 545-3668.

Now therefore, Weinland Park Development, LLC, Weinland Park Homes LLC and Ohio EPA agree to the following:

1. **Environmental Covenant.** This instrument is an environmental covenant developed and executed pursuant to ORC §§ 5301.80 to 5301.92.

2. **Property.** This Environmental Covenant concerns 21.5 acres of land, more or less, located at 1203, 1207, 1211, 1215, 1217, 1223, 1227, 1231, 1235, 1239, 1243, 1247, 1251, 1255, 1259, 1263, 1267, 1271, 1275, 1279, 1283, 1291, 1295, 1299, 1303, 1307, 1311, 1315, 1319, 1323, 1327, 1331, 1335, 1339, 1343, 1347, 1351, 1355, 1359, 1363, 1367, 1371, 1280-1372, 1281-1311, 1379, 1397, 1399, 1411, 1421, 1423 and 1432 North Grant Avenue and 1218, 1222, 1230, 1234, 1238, 1242, 1246, 1250, 1254, 1258, 1262, 1266, 1270, 1274, 1278, 1282, 1286, 1290, 1298, 1302, 1306 North 6th Avenue, Columbus, Ohio 43201 and more particularly described in Exhibit A attached hereto and hereby incorporated by reference herein.

3. **Owner.** Weinland Park Development, LLC and Weinland Park Homes LLC are the owners ("Owners") of the Property, as reflected on Exhibit A, and reside at 575 West First Avenue, Suite 100, Columbus, Ohio 43215.

4. **Holder.** Pursuant to ORC § 5301.81, the holders of this Environmental Covenant ("Holder") are the Owners listed in Section 3, above.

5. **Activity and Use Limitations.** As part of the voluntary action remedy described in the NFA Letter, Owners hereby impose and agree to comply with the following activity and use limitations:

   **Limitation on the Use of Ground Water.** No person shall extract ground water located at or underlying the Property for any purpose, potable or otherwise, except for investigation or remediation thereof and construction de-watering.
Limitation for Modified Residential Land Use on Modified Residential Area 1. A portion of the Property, which is located at 1280 North Grant Avenue, and described on the attached Exhibit B as Modified Residential Area 1, is hereby limited to modified residential use only and shall be restricted as follows: single-family homes, duplexes and other "stand-alone" residential dwellings shall not be constructed on the Modified Residential Area 1 of the Property. The Modified Residential Area 1 may be used for open (or "green") space, surface parking and other residential land uses, such as apartments, condominiums, row houses and similar residential construction, provided that the structures are built without basements or other permanent subsurface or underground structures and provided that a central management entity is responsible for landscaping, fence construction and other activities that may result in disturbance of surface soils on the Modified Residential Area 1 of the Property.

Prohibition Against Residential Construction. Residential structures are prohibited on the portion of the Property, which is located at 1432 North Grant Avenue, and described on the attached Exhibit B as Modified Residential Area 2. Modified Residential Area 2 may be used for open (or "green") space, surface parking and other residential land uses, but construction is limited to non-residential structures, whether aboveground or below ground, that are not designed for routine human occupancy ("Building Restriction Area").

6. Running with the Land. This Environmental Covenant shall be binding upon the Owners during the time that the Owners own the Property or any portion thereof in fee simple and upon all assigns and successors in interest, including any Transferee, and shall run with the land, pursuant to ORC § 5301.85, subject to amendment or termination as set forth herein. The term "Transferee," as used in this Environmental Covenant, shall mean any future owner of any interest in the Property or any portion thereof, including, but not limited to, owners of an interest in fee simple, mortgagees, easement holders, and/or lessees.

7. Compliance Enforcement. Compliance with this Environmental Covenant may be enforced pursuant to ORC § 5301.91. Failure to timely enforce compliance with this Environmental Covenant or the activity and use limitations contained herein by any party shall not bar subsequent enforcement by such party and shall not be deemed a waiver of the party’s right to take action to enforce any non-compliance. Nothing in this Environmental Covenant shall restrict the Director of Ohio EPA from exercising any authority under applicable law. Pursuant to ORC § 3746.05, if the Property or any portion thereof is put to a use that does not comply with this Environmental Covenant, the covenant not to sue issued by the Director of Ohio EPA under ORC § 3746.12 for the Property is void on and after the date of the commencement of the noncomplying
8. **Rights of Access.** Owners hereby grant to Ohio EPA's authorized representatives the right of access to the Property for implementation or enforcement of this Environmental Covenant and shall require such access as a condition of any transfer of the Property or any portion thereof.

9. **Compliance Reporting.** Owners or any Transferee, if applicable, shall, upon request by Ohio EPA, submit written documentation verifying that the activity and use limitations set forth herein remain in place and are being complied with.

10. **Notice upon Conveyance.** Each instrument hereafter conveying any interest in the Property or any portion thereof shall contain a notice of the activity and use limitations set forth in this Environmental Covenant, and provide the recorded location of this Environmental Covenant. The notice shall be substantially in the following form:

   THE INTEREST CONVEYED HEREBY IS SUBJECT TO AN ENVIRONMENTAL COVENANT, DATED______, 201__, RECORDED IN THE DEED OR OFFICIAL RECORDS OF THE FRANKLIN COUNTY RECORDER ON __________, 201__, IN [DOCUMENT ___, or BOOK___, PAGE ___.]. THE ENVIRONMENTAL COVENANT CONTAINS THE FOLLOWING ACTIVITY AND USE LIMITATIONS:

   **Limitation on the Use of Groundwater.** No person shall extract ground water located at or underlying the Property for any purpose, potable or otherwise, except for investigation or remediation thereof and construction de-watering; and

   **Limitation for Modified Residential Land Use on Modified Residential Area 1.** A portion of the Property, which is located at 1280 North Grant Avenue, and described on the attached Exhibit B as Modified Residential Area 1, is hereby limited to modified residential use only and shall be restricted as follows: single-family homes, duplexes and other "stand-alone" residential dwellings shall not be constructed on the Modified Residential Area 1 of the Property. The Modified Residential Area 1 may be used for open (or "green") space, surface parking and other residential land uses, such as apartments, condominiums, row houses and similar residential construction, provided that the structures are built without basements or other permanent subsurface or underground structures and provided that a central management entity is responsible for landscaping, fence construction and other activities that may result in disturbance of surface soils on the Modified Residential Area 1 of the Property.
Prohibition Against Residential Construction. Residential structures are prohibited on the portion of the Property, located at 1432 North Grant Avenue, and described on the attached Exhibit B as Modified Residential Area 2. Modified Residential Area 2 may be used for open (or “green”) space, surface parking and other residential land uses, but construction is limited to non-residential structures, whether aboveground or below ground, that are not designed for routine human occupancy (“Building Restriction Area”).

Owners or transferee, if applicable, shall notify Ohio EPA within ten (10) days after each conveyance of an interest in the Property or any portion thereof. The notice shall include the name, address, and telephone number of the Transferee, a copy of the deed or other documentation evidencing the conveyance, and a survey map that shows the boundaries of the property being transferred.

11. Representations and Warranties. Owners hereby represent and warrant to the other signatory hereto:

A. that the Owners are the owners of the Property;

B. that the Owners hold fee simple title to the Property and that the Owners conducted a current title search that shows the Property is not subject to any interests or encumbrances that conflict with the activity and use limitations set forth in this Environmental Covenant;

C. that the Owners have the power and authority to enter into this Environmental Covenant, to grant the rights and interests herein provided and to carry out all obligations hereunder;

D. that the Owners have identified all other persons that own an interest in or hold an encumbrance on the Property and notified such persons of the Owners’ intention to enter into this Environmental Covenant;

E. that this Environmental Covenant will not materially violate or contravene or constitute a material default under any other agreement, document or instrument to which an Owner is a party or by which an Owner may be bound or affected.

12. Amendment or Termination. This Environmental Covenant may be amended or terminated by consent of all of the following: the Owners or a Transferee, if applicable, and the Director of the Ohio EPA, pursuant to ORC §§ 5301.82 and 5301.90
and other applicable law. The term, "Amendment," as used in this Environmental Covenant, shall mean any changes to the Environmental Covenant, including the activity and use limitations set forth herein, or the elimination of one or more activity and use limitations when there is at least one limitation remaining. The term, "Termination," as used in this Environmental Covenant, shall mean the elimination of all activity and use limitations set forth herein and all other obligations under this Environmental Covenant.

This Environmental Covenant may be amended or terminated only by a written instrument duly executed by the Director of Ohio EPA and the Owner or Transferee, if applicable, of the Property or any portion thereof, as applicable. Within thirty (30) days of signature by all requisite parties on any amendment or termination of this Environmental Covenant, the Owners or Transferee, if applicable, shall file such instrument for recording with the Franklin County Recorder’s Office, and shall provide a file- and date-stamped copy of the recorded instrument to Ohio EPA.

13. **Severability.** If any provision of this Environmental Covenant is found to be unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired.

14. **Governing Law.** This Environmental Covenant shall be governed by and interpreted in accordance with the laws of the State of Ohio.

15. **Recordation.** Within thirty (30) days after the date of the final required signature upon this Environmental Covenant, the Owners shall file this Environmental Covenant for recording, in the same manner as a deed to Property, with the Franklin County Recorder’s Office.

16. **Effective Date.** The effective date of this Environmental Covenant shall be the date upon which the fully executed Environmental Covenant has been recorded as a deed record for the Property with the Franklin County Recorder.

17. **Distribution of Environmental Covenant.** Owners shall distribute a file- and date-stamped copy of the recorded Environmental Covenant to the Ohio EPA, the City of Columbus and Franklin County.

18. **Notice.** Unless otherwise notified in writing by or on behalf of the current owner or Ohio EPA, any document or communication required by this Environmental Covenant shall be submitted to:

As to Ohio EPA:
Ohio EPA – Central Office  
Division of Environmental Response and Revitalization

50 West Town Street  
P.O. Box 1049  
Columbus, Ohio 43216-1049  
Attn.: DERR Records Management Office

Or, send electronically to: records@epa.state.oh.us

AND

Ohio EPA – Central District Office  
Division of Environmental Response and Revitalization  
50 West Town Street  
P.O. Box 1049  
Columbus, OH 43216-1049

As to Weinland Park Development LLC:

Mark A. Wagenbrenner, Managing Member  
575 West First Avenue, Suite 100  
Columbus, Ohio 43215

As to Weinland Park Homes LLC

The NRP Group  
5309 Transportation Blvd.  
Cleveland, Ohio 44125

[Balance of page intentionally left blank.]
The undersigned represents and certifies that the undersigned is authorized to execute this Environmental Covenant.

IT IS SO AGREED:

Weinland Park Development, LLC

By: [Signature]  
Mark A. Wagenbrenner, Managing Member

[Signature]  
12/20/2011 Date

State of Ohio )
   ) ss:
County of Franklin )

Before me, a notary public, in and for said county and state, personally appeared Mark A. Wagenbrenner, as the Managing Member of Weinland Park Development, LLC, who acknowledged to me that he did execute the foregoing instrument on behalf of Weinland Park Development, LLC, as its duly authorized representative.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official seal this 20th day of [Month], 2011.

[Signature]  
Notary Public [Seal]
Environmental Covenant
Weinland Park Development, LLC
Page 9

Weinland Park Homes LLC
By: NRP Weinland Park Homes LLC

By: ____________________________  ____________
     J. David Heller  _______________
     Manager

Date  12/20/2011

State of Ohio  )
      ) ss:
County of Cuyahoga  )

Before me, a notary public, in and for said county and state, personally appeared
J. David Heller, as a Manager of NRP Weinland Park Homes LLC, who acknowledged
to me that he did execute the foregoing instrument on behalf of Weinland Park Homes
LLC, as its duly authorized representative.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official
seal this 20th day of December, 2011.

______________________________
SANDRA R. LEWIS-HORTON
Notary Public

SANDRA R. LEWIS-HORTON
Notary Public, State of Ohio
My Commission Expires Feb. 21, 2015
Recorded in Cuyahoga County
OHIO ENVIRONMENTAL PROTECTION AGENCY

Scott J. Nally, Director

2/3/12
Date

State of Ohio )
) ss:
County of Franklin )

Before me, a notary public, in and for said county and state, personally appeared
Scott J. Nally, the Director of Ohio EPA, who acknowledged to me that he did execute
the foregoing instrument on behalf of Ohio EPA.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official
seal this 12th day of February, 2012.

Charma Diane Casteele
Notary Public

This instrument prepared by:
Joseph M. Reidy, Esq,
Schottenstein Zox & Dunn Co., LPA
250 West Street
Columbus, OH 43215
EXHIBIT A

Plat and Legal Description of the Property
EXHIBIT "A"
(Page 1 of 4)

PARCEL 1 (Parcel No. 010-008498)

Being a certain tract of land situate in the City of Columbus, County of Franklin, State of Ohio, and bounded and described as follows:

Beginning at a point where the Northerly right-of-way line of Fifth Avenue intersects with the Easterly right-of-way line of Grant Avenue;

Thence along the right-of-way of Grant Avenue North 01°30' 23" West, a distance of 852.09 feet to a point;

Thence North 00° 00' 00" West, a distance of 701.78 feet to a point on the dividing line of Tract 20 and 32 as shown on a survey prepared by Bock & Clark;

Thence along said dividing line South 90° 00' 00" East, a distance of 262.23 feet to a point on the Westerly right-of-way line of the Cleveland, Columbus, Cincinnati & Indianapolis Railroad;

Thence along said right-of-way South 06° 13' 39" East, a distance of 702.04 feet to a point;

Thence South 06° 01' 32" East, a distance of 860.86 feet to a point on the Northerly right-of-way line of Fifth Avenue;

Thence along said right-of-way of Fifth Avenue, North 89° 56' 23" West, a distance of 406.35 feet to the point of beginning.

The above described parcel is part of Parcel 1 shown on a survey entitled "ALTA/ACSM LAND TITLE SURVEY for Borden97 Project for Borden, Inc." prepared by Bock & Clark having a final revision date of 10-16-97.

TOGETHER WITH any and all interest the Grantor may have in that portion of right-of-way as vacated by The City of Columbus by Ordinance Nos. 29384, 38619, 104-35, 533-40, 183-46, 278-55, 279-55, 1616-57, 870-62 and 1235-65.

PARCEL 2 (Parcel No. 010-043845)

Situated in the State of Ohio, County of Franklin and in the City of Columbus and bounded and described as follows:

Being Lot 24 in ANNA M. ERB'S AND JOSEPH ERB'S SUBDIVISION as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 151, Recorder's Office, Franklin County, Ohio.

PARCEL 3 (Parcel No. 010-0402326)

Situated in the State of Ohio, County of Franklin and in the City of Columbus and bounded and described as follows:

Being Lot 26 in ANNA M. ERB'S AND JOSEPH ERB'S SUBDIVISION as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 151, Recorder's Office, Franklin County, Ohio.

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EXHIBIT “A” CONTINUED
(Page 2 of 3)

PARCEL 4 (Parcel No. 010-024601)

Situated in the State of Ohio, County of Franklin and in the City of Columbus and bounded and described as follows:

Being Lots 27, 28 and 31 in ANNA M. ERB’S AND JOSEPH ERB’S SUBDIVISION as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 151, Recorder’s Office, Franklin County, Ohio.

and

Lots 316 and 317 in the NEW INDIANOLA ADDITION to the City of Columbus as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 12, Page 35, Recorder’s Office, Franklin County, Ohio; also described as Lots 29 and 30 in ANNA M. ERB’S AND JOSEPH ERB’S SUBDIVISION as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 151, Recorder’s Office, Franklin County, Ohio.

PARCEL 5 (Parcel No. 010-016248)

Situated in the State of Ohio, County of Franklin and in the City of Columbus and bounded and described as follows:

Being Lot 33 in ANNA M. ERB’S AND JOSEPH ERB’S SUBDIVISION as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 151, Recorder’s Office, Franklin County, Ohio.

PARCEL 6 (Parcel No. 010-024102)

Situated in the State of Ohio, County of Franklin and in the City of Columbus and bounded and described as follows:

Being forty-nine (49) feet off of the east side of Lot 34 and all of Lots 35 through 38, inclusive, in ANNA M. ERB’S AND JOSEPH ERB’S SUBDIVISION as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 151, Recorder’s Office, Franklin County, Ohio.

and

Lot 118 of F. A. JACOBS’ SUBDIVISION as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 168, Recorder’s Office, Franklin County, Ohio.

and

Lots 318 and 319 in the NEW INDIANOLA ADDITION to the City of Columbus as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 12, Page 35, Recorder’s Office, Franklin County, Ohio.

TOGETHER WITH any and all interest the Grantor may have in that portion of right-of-way as vacated by The City of Columbus by Ordinance No. 1271-71.
EXHIBIT “A” CONTINUED
(Page 3 of 4)

PARCEL 7 (Parcel No. 010-014747)

Situated in the State of Ohio, County of Franklin and in the City of Columbus and bounded and described as follows:

Being Lot Numbers 102 and 103 of FELIX A. JACOBS’ SUBDIVISION as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 168, Recorder’s Office, Franklin County, Ohio.

EXCEPTING THEREFROM the following described real property conveyed to the City of Columbus by a certain Quit Claim Deed filed August 3, 1971 and recorded in Deed Book 3162, Page 120, Recorder’s Office, Franklin County, Ohio as accepted for dedication by The City of Columbus by Ordinance No. 1271-71 and more particularly described as follows:

An alley 16 feet wide, the centerline of which being 11 feet South of and parallel to the entire Northerly line of Lot 102 of FELIX A. JACOBS’ SUBDIVISION as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Pages 168 and 169, Recorder’s Office, Franklin County, Ohio.

TOGETHER WITH any and all interest the Grantor may have in that portion of right-of-way as vacated by The City of Columbus by Ordinance No. 1271-71 and 1593-65.

PARCEL 8 (Parcel No. 010-046760; North of Seventh Avenue)

Situated in the State of Ohio, County of Franklin and in the City of Columbus and bounded and described as follows:

Being Lot Numbers 104 through 112, inclusive, and Lots 121 through 129, inclusive, of FELIX A. JACOBS’ SUBDIVISION as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 168, Recorder’s Office, Franklin County, Ohio.

TOGETHER WITH any and all interest the Grantor may have in that portion of right-of-way as vacated by The City of Columbus by Ordinance Nos. 471-48, 1271-71 and 1593-65.

PARCEL 9 (Parcel No. 010-046760; South of Seventh Avenue)

Situated in the State of Ohio, County of Franklin and in the City of Columbus and bounded and described as follows:

Being Lot Numbers 130 through 134, inclusive, of FELIX A. JACOBS’ SUBDIVISION as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 168, Recorder’s Office, Franklin County, Ohio.

and

Lot Numbers 36 through 43, inclusive, of CORNELIA F. DAVIS AND OTHERS’ AMENDED SUBDIVISION, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 171, Recorder’s Office, Franklin County, Ohio.

TOGETHER WITH any and all interest the Grantor may have in that portion of right-of-way as vacated by The City of Columbus by Ordinance No. 900-59 and 932-63.
EXHIBIT "A" CONTINUED
(Page 4 of 4)

PARCEL 10   (Parcel No. 010-022252)

Situated in the State of Ohio, County of Franklin and in the City of Columbus and bounded and described as follows:

Being Lot Numbers 113 through 117, inclusive, of FELIX A. JACOBS' SUBDIVISION as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 168, Recorder's Office, Franklin County, Ohio.

TOGETHER WITH any and all interest the Grantor may have in that portion of right-of-way as vacated by The City of Columbus by Ordinance No. 932-63.

PARCEL 11   (Parcel No. 010-037181)

Situated in the State of Ohio, County of Franklin and in the City of Columbus and bounded and described as follows:

Being Lot Numbers 44 through 51, inclusive, of CORNELIA F. DAVIS AND OTHERS' AMENDED SUBDIVISION as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 171, Recorder's Office, Franklin County, Ohio.

TOGETHER WITH any and all interest the Grantor may have in that portion of right-of-way as vacated by The City of Columbus by Ordinance No. 932-63.

PARCEL 12   (Parcel Nos. 010-065026 and 010-041775)

Situated in the State of Ohio, County of Franklin and in the City of Columbus and bounded and described as follows:

Being Lot Numbers 52 and 53 of CORNELIA F. DAVIS AND OTHERS' AMENDED SUBDIVISION as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 171, Recorder's Office, Franklin County, Ohio.

PARCEL 13   (Parcel Nos. 010-064768 and 010-007096)

Situated in the State of Ohio, County of Franklin and in the City of Columbus and bounded and described as follows:

Being Lot Numbers 34 and 35 of CORNELIA F. DAVIS AND OTHERS' AMENDED SUBDIVISION as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 171, Recorder's Office, Franklin County, Ohio.

PARCEL 14

TOGETHER WITH rights of grantor as set forth in Deed of Easement (Storm Piping) filed of record November 14, 2000 and recorded as Instrument No. 200011140231215, Recorder's Office, Franklin County, Ohio.

DESCRIPTION VERIFIED
DEAN C. RINGLE, P.E.
BY:  
DATE: 12-24-06
Parcel 12 (Parcel No. 010-065026)

Situated in the State of Ohio, County of Franklin and in the City of Columbus and bounded and described as follows:

Being Lot 52 of CORNELIA F. DAVIS AND OTHERS' AMENDED SUBDIVISION a the same and numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Pare 171, Recorder's Office, Franklin County, Ohio.

Parcel 12 (Parcel No. 010-041775)

Situated in the State of Ohio, County of Franklin and in the City of Columbus and bounded and described as follows:

Being Lot 53 of CORNELIA F. DAVIS AND OTHERS' AMENDED SUBDIVISION a the same and numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Pare 171, Recorder's Office, Franklin County, Ohio.

Parcel 13 (Parcel No. 010-007096)

Situated in the State of Ohio, County of Franklin and in the City of Columbus and bounded and described as follows:

Being Lot 34 of CORNELIA F. DAVIS AND OTHERS' AMENDED SUBDIVISION a the same and numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Pare 171, Recorder's Office, Franklin County, Ohio.

Parcel 13 (Parcel No. 010-064768)

Situated in the State of Ohio, County of Franklin and in the City of Columbus and bounded and described as follows:

Being Lot 35 of CORNELIA F. DAVIS AND OTHERS' AMENDED SUBDIVISION a the same and numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Pare 171, Recorder's Office, Franklin County, Ohio.
GENERAL WARRANTY DEED

Borden, Inc., Grantor/ Columbus Thermal, LLC, Grantee

EXHIBIT "A"

LEGAL DESCRIPTION

Parcels IA and IB

Consisting of 4.0976 acres

PARCEL IA:

Being a certain tract of land situate in the City of Columbus, County of Franklin and State of Ohio, bounded and described as follows:

BEGINNING at a point at the intersection of the easterly right of way line of Grant Avenue and the northerly right of way line of Fifth Avenue; thence along said right of way of Grant Avenue N 01° 30' 23" W, a distance of 852.09' to a point;

Thence from said point N 00° 00' 00" W, 1360.78' to a capped iron pin set on the true point of beginning;

Thence from said point along the easterly right of way line of Grant Avenue, N 00° 00' 00" W, a distance of 168.25 feet to a capped iron pin set;

Thence from said point N 89° 49' 16" E, a distance of 92.35 feet to a capped iron pin set;

Thence from said point S 03° 48' 44" E, a distance of 17.73 feet to a capped iron pin set;

Thence from said point N 85° 17' 16" E, a distance of 78.89 feet to a capped iron pin set on the westerly right of way line of the Cleveland, Columbus, Cincinnati & Industrial Railroad;

Thence along said right of way S 06° 13' 39" E, a distance of 158.50 feet to a capped iron pin set;

Thence N 89° 55' 44" W, a distance of 150.35 feet to a capped iron pin set on the easterly right of way line of Grant Avenue, said point also being the Point of BEGINNING.

CONTAINING a total area of 29,396.28 square feet or 0.6748 acres.

PARCEL IB:

Being a certain tract of land situate in the City of Columbus, County of Franklin and State of Ohio, bounded and described as follows:

BEGINNING at a point at the intersection of the easterly right of way line of Grant Avenue and the northerly right of way line of Fifth Avenue; thence along said right of way of Grant Avenue N 01° 30' 23" W, a distance of 852.09' to a point;
Thence from said point N 00° 00' 00" W, 701.78' to a capped iron pin set on the true point of beginning;

Thence from said point along the easterly right of way line of Grant Avenue, N 00° 00' 00" W, a distance of 659.00 feet to a capped iron pin;

Thence S 89° 55' 44" E, a distance of 190.35 feet to a capped iron pin set on the westerly right of way line of the Cleveland, Columbus, Cincinnati & Industrial Railroad;

Thence along said right of way S 06° 13' 39" E, a distance of 662.67 feet to a capped iron pin set;

Thence N 90° 00' 00" W, a distance of 262.23 feet to a capped iron pin set on the easterly right of way line of Grant Avenue, said point also being the Point of BEGINNING.

CONTAINING a total area of 149,095.09 square feet or 3.4228 acres.

TOGETHER WITH the non-exclusive, beneficial easement for ingress and egress of record in Deed Volume 1767, page 324.

 Parcel I.D. No. 010-243508

THE BASIS OF BEARINGS FOR THE SUBJECT PROPERTY IS NORTH 00 DEGREES 00' 00", WHICH IS LOCATED ALONG THE EASTERLY RIGHT OF WAY LINE OF GRANT AVENUE.
PLAT OF
FELIX A. JACOB'S

Subdivision of a part of Lots Nos. 3 & 7 of Stevenson's heirs Sub-
division of Quarter Town No. 4, Town 16, Range 18, United States
Military Lands, being in the City of Columbus, O.

This plat continued from page 168.

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BOOK 4, PAGE 169

I hereby certify that the above plat truly represents the subdivision
of Felix A. Jacob's of a part of Lots Nos. 3 & 7 of Stevenson's heirs
Subdivision of Quarter Town No. 4, Town 16, Range 18, United States
Military Lands, now in the City of Columbus, Ohio. The several
distances therein are given in feet and decimal parts of a foot,
and the lots are numbered consecutively from No. 1 to 140 as

Columbus, Ohio, Sept. 24, 1888.

I, Felix A. Jacob, proprietor of the above described land, do
hereby certify that I have caused the above plat to be made
of my subdivision of the same, that said plat is correct and
that the above certificate of Jacobus Kinsey, County Surveyor, is
ture. I hereby dedicate the streets and alleys shown thereon, or
so much of them as lie on my premises, and not heretofore so
dedicated, as public highways, to the City of Columbus, Franklin
County, Ohio. As witness my hand and seal this 24th day of
September, 1888.

Felix A. Jacob.

Charles S. Fay.

The State of Ohio, Franklin County: SS. Before me, the undersigned, a Notary Public
in and for said county, personally appeared Henry T. Chittenden
and acknowledged the signing and sealing of the instrument
to be his voluntary act and deed. As witness my hand and not-
arial seal this 24th day of September, 1888.

Henry T. Chittenden, Notary Public in and for Franklin Co.

Columbus, Ohio, Sept. 24, 1888.

I hereby dedicate to the City of Columbus, for public use 200
feet along Donald Street, 50 feet wide; Katherine Street, 50 feet wide; this
street, 50 feet wide, extended from 9th Avenue to Woodrow Avenue,
also a strip 50 feet wide; being the North half of 9th North Avenue
from McDonald Street to the C.C. & S.R. Railroad.

Transfered Dec. 20, 1888. Frank & Greenbush Co.

ADDITION

STATE OF OHIO, FRANKLIN COUNTY

To: George R. Twining, City Surveyor

We, the undersigned, the Chief and Deputy City Surveyor, do hereby certify that the plan hereunto attached, signed by George R. Twining, City Surveyor, is correct and accurate, and that the same was properly surveyed and marked by us, the undersigned, and properly located and surveyed by the said City Surveyor.

[Signature]

Chief City Surveyor

Deputy City Surveyor

Approved, April 8th,

Chief City Surveyor

Approved, April 8th,

Surveyor's Mark

[Signature]

[Signature]

We, the undersigned, do hereby certify that the plan hereunto attached is true and correct, and that the same was properly surveyed and marked by the

City Surveyor

City Surveyor's Mark

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]
We hereby certify that the annexed drawing is a true and correct plan of so much of our Subdivision as lays West of Peir Avenue of our Subdivision of a part of Lot Number 15 of Stewart's Third Subdivision of Quarter Town 4, Range 18, United States Military Land not within the corporate limits of the City of Columbus, Ohio. We hereby dedicate the streets and alleys shown on the plan or such parts of them as we or our predecessors heretofore so dedicated, to the public for highway purposes.

As witness our hands and seals this day of __________ 1888.

[Signatures]

STATE OF OHIO, COUNTY OF ___________

Personally appeared before me, the undersigned, a Notary Public in and for said county, Cornelia F. Davis, W. W. Davis, E. M. Davis, and R. S. Thompson, owners of the real estate represented in the above plat and acknowledged the signing and sealing of the instrument to be their voluntary act and deed for the uses and purposes therein expressed. In witness whereof I have hereunto set my hand and affixed my Notarial seal this __________ day of __________, 1888.

[Notary's Seal]

I hereby certify that the above plat of Subdivision was approved and accepted by ordinance passed the City Council December 27, 1888. Expiration date 1893.

[Signatures]

Filed for record January 2, 1889 at 3 P.M.
Recorded January 4, 1889 M. L. Fisher.
EXHIBIT B

Modified Residential Areas 1 and 2
EXHIBIT
QUARTER TOWNSHIP 4, TOWNSHIP 1, RANGE 18
UNITED STATES MILITARY LANDS
CITY OF COLUMBUS, COUNTY OF FRANKLIN, STATE OF OHIO

LINE TABLE

<table>
<thead>
<tr>
<th>LINE</th>
<th>BEARING</th>
<th>DISTANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>L1</td>
<td>N25°43'41&quot;E</td>
<td>57.1'</td>
</tr>
<tr>
<td>L2</td>
<td>S61°59'08&quot;E</td>
<td>39.6'</td>
</tr>
<tr>
<td>L3</td>
<td>N81°13'11&quot;E</td>
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<td>L4</td>
<td>S10°52'26&quot;E</td>
<td>116.3'</td>
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<tr>
<td>L5</td>
<td>S37°14'20&quot;W</td>
<td>105.3'</td>
</tr>
<tr>
<td>L6</td>
<td>N31°58'48&quot;W</td>
<td>114.1'</td>
</tr>
<tr>
<td>L7</td>
<td>N19°51'29&quot;W</td>
<td>52.2'</td>
</tr>
</tbody>
</table>

NOTE: This exhibit is based on soil testing locations defined by H2W Environmental, as shown in a Remediation Material Removal Plan prepared for the Columbus Coated Fabrics site dated September 29, 2008.
0.42 ACRE

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Quarter Township 4, Township 1, Range 18, United States Military Lands, being across Lots 27 thru 30 and Lots 43 thru 47 of that plat entitled “Al Parker’s 2nd Subdivision” of record in Plat Book 3, Page 113; an alley vacated by City of Columbus Ordinance Number 183-46, a portion of Parker Street vacated by City of Columbus Ordinance Number 183-46, and City of Columbus Ordinance Number 38619, being conveyed as Parcel I to Weinland Park Development, LLC by deed of record in Instrument Number 200810080150639 (all references refer to the records of the Recorder’s Office, Franklin County, Ohio), and being more particularly bounded and described as follows:

Beginning, for reference, at the centerline intersection of Sixth Avenue and Grant Avenue;

thence North 01° 51' 58" East, with the centerline of said Grant Avenue, a distance of 36.3 feet to a point;

thence South 88° 08' 02" East, across the right-of-way of said Grant Avenue and Parcel I, a distance of 161.3 feet to the TRUE POINT OF BEGINNING;

thence across said Parcel I, the following courses and distances:

North 25° 43' 41" East, a distance of 57.1 feet to a point;

South 61° 59' 06" East, a distance of 39.5 feet to a point;

North 81° 13' 11" East, a distance of 64.4 feet to a point;

South 10° 52' 26" East, a distance of 116.3 feet to a point;

South 37° 14' 20" West, a distance of 105.3 feet to a point;

North 31° 58' 48" West, a distance of 114.1 feet to a point; and

North 19° 51' 25" West, a distance of 62.2 feet to the TRUE POINT OF BEGINNING and containing 0.42 acre of land, more or less.

The above description is based on soil testing locations defined by H2W Environmental, as shown on a Remediation Material Removal Plan prepared for the Columbus Coated Fabrics site dated September 29, 2008.

This description should not be used for transfer purposes.

[Seal and signature]

Evans, Mechwart, Hambleton & Tilton, Inc.

Heather L. King
Registered Surveyor No. 8307

Date 8/1/10
0.06 ACRE

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Quarter Township 4, Township 1, Range 18, United States Military Lands, being across that "Reserve" of that plat entitled "Anna M. and Joseph Erbs Subdivision" of record in Plat Book 4, Page 151, being conveyed as that 4.0976 acre tract to Weinland Park Development, LLC by deed of record in Instrument Number 200712270220303 (all references refer to the records of the Recorder's Office, Franklin County, Ohio), and being more particularly bounded and described as follows:

Beginning, for reference, at the centerline intersection of Ninth Avenue and Grant Avenue,

then due South 03° 13' 06" West, with the centerline of said Grant Avenue, a distance of 162.0 feet to a point;

then due South 86° 46' 54" East, across the right-of-way of said Grant Avenue and said 4.0976 acre tract, a distance of 132.6 feet to the TRUE POINT OF BEGINNING;

then across said 4.0976 acre tract, the following courses and distances:

North 03° 35' 14" East, a distance of 33.0 feet to a point;

North 42° 13' 53" East, a distance of 8.1 feet to a point;

South 86° 37' 04" East, a distance of 61.6 feet to a point;

South 04° 27' 03" East, a distance of 39.0 feet to a point; and

North 87° 06' 13" West, a distance of 72.1 feet to the TRUE POINT OF BEGINNING and containing 0.06 acre of land, more or less.

The above description is based on soil testing locations defined by H2W Environmental, as shown on a Remediation Material Removal Plan prepared for the Columbus Coated Fabrics site dated September 29, 2008.

This description should not be used for transfer purposes.

HEATHER
L. KING
S-8307

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Heather L. King
Registered Surveyor No. 8307

Date 3/16/10

HJS: 09/09 Aug 10
0_06 ac 20081110BNDY1
EXHIBIT 5

OPERATION AND MAINTENANCE PLAN AGREEMENT

COLUMBUS COATED FABRICS PROPERTY